

## Message Text

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PAGE 01 NEW DE 01226 271344Z

45

ACTION SCS-03

INFO OCT-01 NEA-09 ISO-00 SCA-01 L-02 SY-04 H-01 JUSE-00

FBIE-00 PPT-01 DEAE-00 /022 W  
----- 050183

R 271245Z JAN 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 6528

LIMITED OFFICIAL USE NEW DELHI 1226

FOLLOWING TEL SENT ACTION IMMEDIATE NEW DELHI ON 27 JAN.  
NOW REPEATED FOR YOUR INFO.

QUOTE

LIMITED OFFICIAL USE CALCUTTA 0217

E.O. 11652: N/A

TAGS: CASC PFOR IN

SUBJ: HARCOS/FLETCHER

1. WHEN I SAW THE CHIEF MINISTER AT THE REPUBLIC DAY RECEPTION LAST NIGHT, I FOLLOWED UP WITH HIM ON MS. DONOVAN'S APPROACH TO HIM OF LAST WEEK. (CALCUTTA 0212).

2. HE SAID THAT, "WHILE I COULD NOT TELL HER THIS, IF THEY (HARCOS AND FLETCHER) WILL CONFESS TO DRUG CHARGES, I WILL RECOMMEND THAT THE PROSECUTION BE DROPPED."

3. THIS IS QUITE ENCOURAGING. IT MAY POSSIBLY REFLECT NOT ONLY HIS OWN CAREFUL CONDUCTION OF THE MATTER BUT SOME CHECKING IN NEW DELHI. IN ANY CASE, IT IS WORTHY OF CAREFUL EXPLORATION AND I CONVEYED TO MS. DONOVAN THIS MORNING, BEFORE HER MEETING WITH HARCOS AND FLETCHER LATER IN THE DAY, THAT THE CHANCES OF A WRITTEN CONFESSION BRINGING ABOUT A QUALITATIVE CHANGE IN THE CASE IS CONSIDERABLY HIGHER THAN RAY'S STATEMENT TO HER THE OTHER DAY WOULD INDICATE.

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4. WE ARE BY NO MEANS SURE THAT HARCOS AND FLETCHER ARE PREPARED NOW TO MAKE A WRITTEN CONFESSION. ACCORDING TO MS. DONOVAN, THEY ARE DETERMINED TO TRY TO PROVE THAT THE DOCK AREA IN WHICH HARCOS WAS FOUND IS NOT REPEAT NOT A PROHIBITED AREA AND THEREFORE THE OFFICIAL SECRETS ACT SHOULD HAVE NO BEARING ON THIS CASE. TO US THIS SEEMS LIKE A SURE FORMULA FOR WASTING SEVERAL WEEKS OR MONTHS TO NO END, AND IT COULD JUST CAUSE THEM TO MISS THE OPPORTUNITY HELD OUT BY THE CHIEF MINISTER AT THIS MOMENT.

5. THEY ARE ALSO CONCERNED THAT A WRITTEN CONFESSION MIGHT

FORM THE BASIS FOR PROSECUTION UNDER U.S. LAWS AND MS. DONOVAN WILL ALSO BE TALKING TO THE PRISONERS ABOUT THIS ON THE BASIS OF HER RECENT COMMUNICATIONS WITH LEONARD BOUDIN.

6. OUR FEELING IS THAT AT THE MOMENT WE SHOULD CONCENTRATE ON THIS ASPECT OF THE CASE RATHER THAN THE SUMMONS DIRECTED AT BHOSE AND MENTIONING INTER ALIA MS. DONOVAN. HER DISCUSSION OF THIS QUESTION WITH THE CHIEF SECRETARY SEEMS TO MAKE CLEAR THAT THE GOWB HAS NO PRESENT INTENTION OF ACTING AGAINST THE AMERICANS MENTIONED, AND IF THE OPENING PRESENTED BY THE CHIEF MINISTER IS SUCCESSFULLY EXPLOITED THE QUESTION OF THEIR INVOLVEMENT WITH BHOSE IN VIOLATION OF THE OFFICIAL SECRETS ACT WOULD SEEM TO BE OBIATED. IF NOT, WE CAN ALWAYS TAKE IT UP LATER.

PICKERING

UNQUOTE

SCHNEIDER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CONSULAR LEGAL ASSISTANCE  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 27 JAN 1975  
**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
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**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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